

DOCKET NO. D-1975-093 CP-5

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

**Pennsylvania Utility Company
Wastewater Treatment Plant
Lehman Township, Pike County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Reilly Associates, on behalf of the Pennsylvania Utility Company (PUC or docket holder) on December 29, 2014 (Application), for renewal of the docket holder's existing wastewater treatment plant (WWTP) and its discharge. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0037290 for the project discharge was issued by the Pennsylvania Department of Environmental Protection (PADEP) on January 28, 2011.

The Application was reviewed for continuation of the project in the Comprehensive Plan and approval under Section 3.8 of the *Delaware River Basin Compact (Compact)*. The Pike County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on February 10, 2016.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to renew approval of the docket holder's existing 0.25 million gallon per day (mgd) Tamiment WWTP and its related discharge to surface water and land discharge via spray irrigation. No modifications to the WWTP and spray irrigation facilities are proposed.

2. Location. The docket holder's WWTP is located on Lake Drive in Lehman Township, Pike County, Pennsylvania at the Tamiment Resort and Country Club. When WWTP effluent is not spray applied to Tamiment Resort and Country Club grounds, it is discharged to an unnamed tributary to Little Bush Kill, which is tributary to Bush Kill, at River Mile 226.9 – 0.8 – 1.5 – 1.85 (Delaware River – Bush Kill - Little Bush Kill – UNT Little Bush Kill) via Outfall No. 100. Outfall No. 100 is located just downstream of a lake named First Pond (locally known as Pond Run Creek) which is downstream from two (2) other impoundments located directly in-line on the unnamed tributary to Little Bush Kill. Outfall No. 100 is approximately two (2) miles upstream of the boundary of the Delaware Water Gap National Recreation Area. The WWTP

discharge is located in the drainage area to the section of the non-tidal Delaware River known as the Middle Delaware, which is classified as Special Protection Water (SPW).

The project outfall is located in the Bush Kill Watershed as follows:

| OUTFALL NO. | LATITUDE (N) | LONGITUDE (W) |
|-------------|--------------|---------------|
| 100 | 41° 07' 52" | 75° 01' 35" |

3. Area Served. The docket holder's WWTP will continue to serve the Tamiment Resort and Country Club, as well as, the adjacent Mountain Laurel Center for the Performing Arts, in Lehman Township, Pike County, Pennsylvania.

For the purpose of defining the Area Served, Section B (Type of Discharge) and D (Service Area) of the docket holder's Application are incorporated herein by reference, to the extent consistent with all other conditions contained in the DECISION Section of this docket.

4. Physical features.

a. Design criteria. The docket holder's 0.25 mgd WWTP utilizes an extended aeration treatment process with an anoxic zone and filtration. During suitable weather conditions, effluent from the WWTP is land discharged with a maximum spray irrigation application rate of 1.5 inches/acre/week on the approximate 110-acre golf course site. When conditions are unsuitable, effluent is discharged to an unnamed tributary to Little Bush Kill.

b. Facilities. The docket holder's WWTP facilities consist of a comminutor and bypass bar screen, two (2) equalization tanks, a flow splitter box, five (5) extended aeration tanks with anoxic zones, five (5) final clarifiers, a flash mixing unit for alum and soda ash addition, a flocculation tank, two (2) high rate effluent filtration beds, and a chlorine contact tank which includes a post aeration chamber. During suitable weather conditions, treated WWTP effluent is pumped to a six-foot deep, lined, aerated holding pond located between the 8th and 17th greens of the Tamiment Golf Course for irrigation use, as needed. When conditions are unsuitable for spray irrigation, treated WWTP effluent is discharged to an unnamed tributary of Little Bush Kill. Sludge handling is provided by a sludge holding tank.

A maximum spray irrigation application rate of 1.5 inches/acre/week on the approximate 110-acre golf course site was approved by PADEP in its Water Management Permit (Part II) No. 5200401 on September 13, 2000. The Part II permit also approves a groundwater and surface water monitoring program.

The docket holder's wastewater treatment facility discharges to waters classified as SPW and is required to have available standby power. The existing WWTP has a back-up generator installed capable of providing standby power. (SPW)

The docket holder's wastewater treatment facility is not staffed 24 hours per day, and shall have a remote alarm system that continuously monitors plant operations in accordance

with the Commission's SPW requirements. The existing WWTP has an auto dialer system installed that continuously monitors plant operations. (SPW)

The docket holder has prepared and implemented an emergency management plan (EMP) for the WWTP in accordance with Commission SPW requirements. (SPW)

The project facilities are not located in the 100-year floodplain.

Waste sludge will continue to be hauled off-site by a licensed hauler for disposal at a state approved facility.

c. Water withdrawals. The potable water supply in the project service area is provided by ground water wells owned and operated by the docket holder. This groundwater water withdrawal is described in detail in Docket No. D-1989-033 CP-3, which was approved by the DRBC on February 28, 2007.

d. NPDES Permit / DRBC Docket. NPDES Permit No. PA0037290 was issued by the PADEP on January 28, 2011, and includes final effluent limits for the project discharge to surface waters classified as Exceptional Value (EV) and High Quality - Cold Water Fishery (HQ-CWF). The following average monthly effluent limits and monitoring requirements, based on a flow of 0.25 mgd, are for DRBC parameters listed in the NPDES permit that meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE A-1: Parameters Included in the NPDES Permit

| OUTFALL 100 (Discharges to UNT to Little Bush Kill) | | |
|--|-------------------------------|---------------------------------|
| PARAMETER | LIMIT | MONITORING |
| pH (Standard Units) | 6 to 9 | As required in the NPDES Permit |
| Total Suspended Solids | 30 mg/l | As required in the NPDES Permit |
| CBOD (5-Day at 20° C) | 10 mg/l (85% minimum removal) | As required in the NPDES Permit |
| Ammonia as N (5-1 to 10-31) | 2.0 mg/l | As required in the NPDES Permit |
| (11-1 to 4-30) | 6.0 mg/l | As required in the NPDES Permit |
| Nitrate/Nitrite- N | 10 mg/l | As required in the NPDES Permit |
| Phosphorus, as P | 1.0 mg/l | As required in the NPDES Permit |
| Dissolved Oxygen | 7.0 mg/l (minimum) | As required in the NPDES Permit |
| Fecal Coliform (5-1 to 9-30) | 200 colonies per 100 ml | As required in the NPDES Permit |
| (10-1 to 4-30) | 2,000 colonies per 100 ml | |

The requirements in EFFLUENT TABLE A-2 are not listed in the NPDES Permit, but are Commission basin-wide and SPW specific parameters that must be met as a condition of this docket approval.

EFFLUENT TABLE A-2: DRBC Parameters Not Included in the NPDES Permit

| OUTFALL 100 (Discharges to UNT to Little Bush Kill) | | |
|--|--------------|-------------------|
| PARAMETER | LIMIT | MONITORING |

| OUTFALL 100 (Discharges to UNT to Little Bush Kill) | | |
|---|------------------|------------|
| PARAMETER | LIMIT | MONITORING |
| Total Dissolved Solids* | 1,000 mg/l | Quarterly |
| CBOD (5-Day at 20° C) Influent | Monitor & Report | Weekly |
| Total Kjeldahl Nitrogen | Monitor & Report | Monthly |

* See DECISION Condition II.q.

Note: The NPDES Permit also provides a table of limitations for a potential Phase II project flow of 1.15 mgd, which would involve additional spray irrigation of effluent on the local golf course grounds. Since the docket holder has not applied to the DRBC for the expanded flow, this docket does not approve nor contain effluent limits for the expanded facility. The docket holder is required to apply to DRBC and satisfy all applicable SPW requirements prior to the initiation of the design of the expanded facility (see DECISION Condition II. t).

e. **Relationship to the Comprehensive Plan.** The WWTP was added to the Comprehensive Plan via Docket No. D-1975-093 CP-1 on July 23, 1975, which approved an upgrade and expansion to the WWTP; however, the upgrade and expansion project approved by D-1975-093 CP-1 was never constructed. Docket No. D-1975-093 CP (Rev) replaced Docket No. D-1975-093 CP-1 on April 20, 1983 and added the WWTP to the Comprehensive Plan. Docket Nos. D-1975-093 CP-3 and D-1975-093 CP-4 modified/renewed the WWTP on December 7, 2005 and December 8, 2010, respectively. This docket (D-1976-093 CP-5) renews the WWTP approval and continues the project in the Comprehensive Plan,

B. **FINDINGS**

This docket renews the approval of the docket holder's existing 0.25 mgd Tamiment WWTP and its related discharge to surface water and land discharge via spray irrigation. No modifications to the WWTP and spray facilities are proposed.

In 1992, the DRBC adopted SPW requirements, as part of the DRBC *Water Quality Regulations (WQR)*, designed to protect existing high water quality in applicable areas of the Delaware River Basin. One hundred twenty miles of the Delaware River from Hancock, New York downstream to the Delaware Water Gap has been classified by the DRBC as SPW. This stretch includes the sections of the river federally designated as "Wild and Scenic" in 1978 -- the Upper Delaware Scenic and Recreational River and the Delaware Water Gap National Recreation Area -- as well as an eight-mile reach between Milrift and Milford, Pennsylvania which is not federally designated. The SPW regulations apply to this 120-mile stretch of the river and its drainage area. (Upper/Middle SPW)

On July 16, 2008, the DRBC approved amendments to its *WQR* that provide increased protection for waters that the Commission classifies as SPW. The portion of the Delaware River and its tributaries within the boundary of the Lower Delaware River Management Plan Area was approved for SPW designation and clarity on definitions and terms were updated for the entire program. (Upper/Middle SPW)

Article 3.10.3A.2.e.1). and 2). of the Commission's WQR states that projects subject to review under Section 3.8 of the Compact that are located in the drainage area of SPW must submit for approval a Non-Point Source Pollution Control Plan (NPSPCP) that controls the new or increased non-point source loads generated within the portion of the docket holder's service area which is also located within the drainage area of SPW. The service area of the docket holder is located within in the drainage area to the SPW. Since this project does not entail additional expansion of service area (i.e., there are no new or increased non-point source loads associated with this approval), the NPSPCP requirement is not applicable at this time.

At the WWTP discharge location, the unnamed tributary to Bush Kill has an estimated seven-day low flow with a recurrence interval of ten years (Q_{7-10}) of less than 0.1 cubic feet per second (cfs) and therefore is classified by the Commission as an intermittent stream.

The nearest surface water intake of record for public water supply downstream of the project discharge is owned and operated by the City of Easton, located on the Delaware River approximately 46 miles downstream of the project discharge.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The limits in the NPDES Permit are in compliance with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge meeting the effluent requirements as set forth in the Commission's WQR.

C. DECISION

I. Effective on the approval date for Docket No. D-1975-093 CP-5 below:

a. The project described in Docket No. D-1975-093 CP-4 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-1975-093 CP-5; and

b. Docket No. D-1975-093 CP-4 is terminated and replaced by Docket No. D-1975-093 CP-5 and

c. The project and the appurtenant facilities described in Section A "Physical Features" of this docket shall be continued in the Comprehensive Plan.

II. The project and appurtenant facilities as described in Section A "Physical Features" of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP in its NPDES permit, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission's.

b. The facility and operational records shall be available at all times for inspection by the DRBC.

c. The facility shall be operated at all times to comply with the requirements of the Commission's *WQR* and *Flood Plain Regulations (FPR)*.

d. The docket holder shall comply with the requirements contained in the EFFLUENT TABLES in Section A.4.d. of this docket. The docket holder shall submit the required monitoring results electronically to the DRBC Project Review Section via email to **aemr@drbc.nj.gov** on the **Annual Effluent Monitoring Report Form** located at this web address: <http://www.state.nj.us/drbc/programs/project/application/index.html>. The monitoring results shall be submitted annually, absent any observed limit violations, by January 31. If a DRBC effluent limit is violated, the docket holder shall submit the result(s) to the DRBC within 30 days of the violation(s) and provide a written explanation that states the action(s) the docket holder has taken to correct the violation(s) and protect against any future violations.

e. Except as otherwise authorized by this docket, if the docket holder seeks relief from any limitation based upon a DRBC water quality standard or minimum treatment requirement, the docket holder shall apply for approval from the Executive Director or for a docket revision in accordance with Section 3.8 of the *Compact* and the *Rules of Practice and Procedure*.

f. If at any time the receiving treatment plant proves unable to produce an effluent that is consistent with the requirements of this docket approval, no further connections shall be permitted until the deficiency is remedied.

g. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

h. The docket holder is permitted to treat and discharge wastewaters as set forth in the Area Served Section of this docket, which incorporates by reference Sections B (Type of Discharge) and D (Service Area) of the docket holder's Application to the extent consistent with all other conditions of this DECISION Section.

i. The docket holder shall discharge wastewater in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property.

j. No sewer service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

k. Nothing in this docket approval shall be construed as limiting the authority of DRBC to adopt and apply charges or other fees to this discharge or project.

l. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

m. Prior to allowing connections from any new service areas or any new developments, the docket holder shall either submit and have approved by the Executive Director of the DRBC a NPSPCP in accordance with Section 3.10.3.A.2.e, or receive written confirmation from the Executive Director of the DRBC that the new service area is in compliance with a DRBC approved NPSPCP.

n. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

o. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

p. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

q. The docket holder is required to perform quarterly TDS effluent sampling in accordance with EFFLUENT TABLE A-2 in Section A.4.d. of this docket. The docket holder may request of the Executive Director in writing the substitution of specific conductance for TDS. The request should include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow the substitution of specific conductance for TDS monitoring.

r. Nothing in this docket constitutes a defense to any penalty action for past conduct of the docket holder or ongoing activity not authorized by this approval. In particular,

renewal of this docket does not resolve violations – whether in the past or continuing – of provisions of the Delaware River Basin Compact (“Compact”) or any rule, regulation, order or approval duly issued by the Commission or the Executive Director pursuant to the Compact. The Commission reserves its right to take appropriate enforcement action against the docket holder, including but not limited to recovery of financial penalties consistent with Section 14.17 of the Compact, for any and all such prior or continuing violations.

s. The docket holder is prohibited from treating/pre-treating any hydraulic fracturing wastewater from sources in or out of the Basin at this time. Should the docket holder wish to treat/pre-treat hydraulic fracturing wastewater in the future, the docket holder will need to first apply to the Commission to renew this docket and be issued a revised docket allowing such treatment and an expanded service area. Failure to obtain this approval prior to treatment/pre-treatment will result in action by the Commission.

t. Prior to the docket holder initiating any substantial alterations or additions to the existing WWTP as defined in Section 3.10.3A2.a.16) of the Commission’s *WQR*, an application must be submitted and approved by the Commission. Such an application shall be submitted prior to final design to ensure that the Commission can provide the docket holder with draft effluent limitations for SPW specific parameters as guidance for design as to not require duplication of work or cause a substantial expenditure of public funds without Commission approval. The docket holder is encouraged to contact the Commission staff during the planning stages to identify the potential effluent limitations required to meet the no measurable change parameters under SPW.

BY THE COMMISSION

DATE APPROVED: March 16, 2016

EXPIRATION DATE: January 31, 2021